



Austin City Council MINUTES

CITY COUNCIL MEETING - MARCH 21, 1991

Mayor Cooke called to order the meeting of the Council, noting the presence of all Councilmembers.

MINUTES APPROVED

1. Approved Minutes for Regular Meeting of March 14, 1991 and Special Meetings of March 12, 14 and 15, 1991

On Councilmember Carl-Mitchell's motion, Councilmember Larson's second, 5-0 Vote, Councilmember Nofziger and Mayor Pro Tem Urdy out of the room.

1:00 P.M. - CITIZEN COMMUNICATIONS

2. Ms. Lori C. Renteria discussed implementation of public hearing process and suggest appointment of a Citizens' Task Force including residents from the (CDBG defined) Guadalupe Neighborhood to discuss the Mercado Project.
3. Ms. Nancy Reppert discussed Austin Access.
4. Mr. John Johnson, to discuss repeal, enforcement or suspension of the Alcohol Consumption Ordinance. Was not present.
5. Mr. Thom Prentice discussed the increase in anti-Gay violence in Austin.
6. Ms. Melanie Lockhart provided information on the importance of reducing unintended teen-age pregnancy by providing free or low-cost family planning services and/or comprehensive human sexuality in the public schools.
7. Mr. Stephen Miller addressed a Cable inquiry.
8. Mr. David N. Elliott discussed current City issues.
62. Dean Langston discussed access rules and procedures.
63. Richard Trachtenburg discussed City issues.

1:30 P.M. BOARD AND COMMISSION REPORTS

9. **PARKS AND RECREATION BOARD - Budget Reductions**

Report was given by Beverly Griffith, Chairperson, Parks and Recreation Board, and other members of the Board.

10. **TEXAS INDUSTRIES FOR BLIND AND HANDICAPPED - Present 1990 Legislative Report on Services and Products**

Report was given by Juby Rand and Ron Bartles.

11. MONTHLY HOUSING STATUS REPORT

Gene Watkins presented the Monthly Housing Status Report.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. **Approved second/third readings of an Ordinance amending Chapter 12-3 of the Austin City Code by creating an INet/XNet Authority, granting it certain duties and responsibilities, and deleting INet duties and responsibilities from the Cable Commission. (Mayor Pro Tem Charles Urdy and Councilmember Smoot Carl-Mitchell)**

Approved as amended, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, 6-0 Vote, Councilmember Nofziger out of the room.

ORDINANCES

Zoning (Items 13-14)

13. **Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 3607-3725 South Lamar Boulevard and 2200-2400 Panther Trail, Case No. C14-90-0059, from "LR", Neighborhood Commercial to "GR-CO", Community Commercial-Conditional Overlay for Tract 1, and "MF-2", Multi-family Residence (low density) for Tract 2, PACIFIC SOUTHWEST BANK, by Site Specifics. First reading on December 6, 1990; Vote 6-0, Mayor Pro Tem Charles Urdy out of the room. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council. Dedication of right-of-way will be acquired through the subdivision process.**

14. **Approved second/third readings of an Ordinance amending the site plan related to Ordinance No. 761028-L for the property locally known as 7505-7621 Lakewood Drive, Case No. CB14-74-013, to modify Lakewood Section V (11.7 acres), recorded October 19, 1983, to replace 36 townhouse lots and 13 single family lots with 36 single-family lots, THOMPSON PROPERTIES, by KC Engineering. First reading on January 31, 1991; Vote 6-0, Councilmember Carl-Mitchell absent. Conditions met as follows: Creekbluff Drive has been stubbed out as Waldon Drive.**

15. Amended Ordinance No. 900913-D by amending the Health and Human Services Department (HHS) FY 1990-91 Operating Budget by increasing expenses by \$20,000 and expense refunds by the same amount to pilot a Women, Infants and Children (WIC) Breastfeeding Peer Counseling Program funded by the Texas Department of Health.

#13-15 on Councilmember Nofziger's motion, Councilmember Larson's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

16. Approved amending Employee Retirement System Ordinance No. 900215-F by deleting the current investment parameters required; and adopting the "Prudent Investor" wording of the Texas Trust Code.

Postponed to April 4, 1991.

17. Adopted revisions to Sections of Chapters 3-1 and 3-2 of the Austin City Code regarding keeping of animals within the City.

On Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, 7-0 Vote.

18. Approved second reading to grant a Charter bus franchise and a proposed rate of fare to Clark Travel and Tours.

19. Approved third reading of an Ordinance granting a six month extension to the Southwestern Bell Telephone Franchise (Ordinance No. 760325-A) as amended.

#18,19 on Councilmember Nofziger's motion, Councilmember Larson's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

20. Amended the FY 1990-91 Capital Budget by transferring \$1,193,859 from the Burleson Road Account, and \$623,580 from the Railroad Crossing Improvements Account for the Streetscape Improvements on Sixth Street. (Related to Item 32)

On Councilmember Nofziger's motion, Councilmember Barnstone's second, 6-0 Vote, Councilmember Barnstone out of the room.

3:00 P.M. - ELECTRIC UTILITY (Items 21-31)

21. ELECTRIC UTILITY COMMISSION REPORT

Robert Floyd, Chairman, Electric Utility Commission, presented the report.

22. RESOURCE MANAGEMENT COMMISSION REPORT

No report was given.

23. Monthly Management Report (Fiscal, Operations, Fuel)

The report was given by John Moore, Director, Electric Utility.

24. Monthly Utility Receivable Report

Betty Dunkerly, Director of Finance, reported.

25. Approved execution of a contract with LAIDLAW ENVIRONMENTAL SERVICES, INC., Houston, Texas, for transport and disposal of hazardous and non-hazardous wastes, in an amount not to exceed \$55,400. (Funding included in Electric Utility Operating and Maintenance Budget.) Low bid of three (3) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. 910038-3JR

26. Approved the execution of a contract with MAGNETEK ELECTRIC, INC., for repairing and reconditioning of the Seaholm #8 Generator in an amount not to exceed \$265,575. (Total cost to the City is \$120,000; the remaining \$156,575 will be reimbursed to the City by Arkwright Mutual Insurance). (Funding included in Electric Utility Operations & Maintenance Budget.) Low bid of five (5) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. 910160-3RF

27. Approved execution of a contract with TURBINE ENGINE SERVICES, Windsor Locks, Connecticut, for the purchase of a stationary power controller in an amount not to exceed \$41,500. (Funding included in the Electric Utility Operations and Maintenance Budget). Low bid of three (3). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference IFB No. 910193-11L

28. Approved a Construction Contract Award to WAYNE BARNES, CO., INC., Austin, Texas, for Holly Power Plant Site Improvements in the amount of \$377,900. (Funding included in Electric Utility Department C.I.P. 317-5871-3117). Low bid of five (5). 5.05% MBE, 6.06% WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

#25-28 on Councilmember Larson's motion, Mayor Cooke's second, 7-0 Vote.

29. Approve selection of Professional Engineering and Environmental Services (RFQ) to ABBE-GARRETT ENGINEERING, INC., Austin, Texas, for comprehensive siting, routing and environmental studies for the Garfield Electric Substation and related 138 KV transmission lines in an estimated amount of \$150,000. (Funding included in Electric Utility Department C.I.P. Nos. 317-117-1955 & 317-117-1924.) Prime recommendation of six (6). 10% MBE and 25% WBE Subcontractor participation.

Postponed to April 4, 1991.

30. Authorized the Electric Utility Department to proceed with the proposed route for the Sprinkle to Howard 138-KV transmission line project.

On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Barnstone out of the room.

31. Approved the purchase of 0.5 acres of land and a 5000 square foot building at 2309 Gardenia St., Austin, Texas, for the expansion of Howard Lane Substation in an amount not to exceed \$99,000. (Funding included in Electric Utility Department C.I.P. Budget).

On Councilmember Larson's motion, Mayor Cooke's second, 7-0 Vote.

RESOLUTIONS

32. Approved negotiation and execution of Supplemental Amendment No. 1 to the professional services agreement between the City of Austin and Simon Atkinson Associates/Urban Design Associates, Joint Venture, Austin, Texas, to provide architectural services for Streetscape Improvements on Sixth Street, in an amount not to exceed \$275,000. (Funding included in the Department of Public Works & Transportation 1990-91 Capital Budget - C.I.P. No. 825-607-2045). (Related to Item 20)

On Councilmember Nofziger's motion, Councilmember Barnstone's second, 6-0 Vote, Councilmember Barnstone out of the room.

33. Approved a Construction Contract Award to AFFHOLDER, INC., Chesterfield, Missouri, for replacement of existing wastewater lines, in the amount of \$299,453. (Funding included in the Wastewater Fund of the Water and Wastewater Department). Low bid of three (3) bids. 0% MBE, 1.67 WBE Subcontractor participation. Reference File No. 91-0186-2 RW

34. Approved a Construction Contract Award to AUS-TEX PLBG., HTG., A.C., INC., Austin, Texas, for installation of Chiller #5 and associated equipment for Brackenridge Hospital, in the amount of \$159,362. (Funding in the amount of \$71,181 provided from the General Services Department Municipal Energy Conservation Fund, and \$88,181 provided from the Rehabilitation and Maintenance Funds of Brackenridge Hospital). Low bid of five (5) bids. 50.47% MBE, 0% WBE Subcontractor participation.

35. Approved execution of a contract with SCARAB MANUFACTURING AND LEASING, INC., White Deer, Texas, for the purchase of a composting machine, in the amount of \$169,993. (Funding included in 1990-91 C.I.P. No 435-237-0935 - Govalle Sludge Disposal). Low bid of two (2). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. 910039-1LI

36. Approved execution of a contract with AMBULANCE SALES AND SERVICE, Mansfield, Texas, for nine (9) replacement cabs and chassis and refurbishment of nine (9) ambulance modules in an amount not to exceed \$279,450, including the option to extend thereafter for up to three (3) additional twelve (12) month periods, in an amount not to exceed \$164,565 for the first year, \$209,327 for the second year, and \$346,329 for the third year, for a total amount not to exceed \$999,671. (Funding included in the 1990-91 Operating Budget of the General Services Department). Low bid of two (2). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

37. Approved execution of a contract with the ROHAN COMPANY, Austin, Texas, for purchase of cast iron fittings to be used by the Water and Wastewater Department, in an amount not to exceed \$49,638.75, with the option to extend thereafter for up to one additional six (6) month period in an amount not to exceed \$49,638.75, for a total amount not to exceed \$99,277.50. (Funding included in the 1990-91 Operating Budget for the General Services Department). Low bid of three (3). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference IFB File No. 910106-1LI.

§33-37 on Councilmember Nofziger's motion, Mayor Cooke's second, 6-0 Vote, Mayor Pro Tem Urdy absent.

38. Approved negotiation and execution of a sixty (60) month lease purchase contract, including forty-one (41) months of maintenance, with IBM CORPORATION, Austin, Texas, for a 3090-600J mainframe central processing unit, in an amount not to exceed \$865,996. (Funding included in the Utility Customer Service Office Billing System Project).

On Councilmember Nofziger's motion, Mayor Cooke's second, 5-0-1 Vote, Councilmember Carl-Mitchell abstained, Mayor Pro Tem Urdy absent.

39. Approved selection of a consultant to provide Professional Engineering Services (RFQ) to ARCHITECTURE+PLUS, HINMAN-HALFORD & WINTEROWD JOINT VENTURE, Austin, Texas, for the development of Dove Springs swimming pool, at an estimated cost of \$125,000. (Funding included in Parks and Recreation Department C.I.P. No. 826-867-5006) 10% MBE, 5% WBE subcontractor participation. Prime recommendation of three (3).

40. Authorized application for and acceptance of a grant in the amount of \$15,000 from the Austin Heritage Society for a preservation plan at the O'Henry Museum.

41. Authorized reimbursement of \$77,769 to Branch Creek Estates for a 24-inch water line to serve Branch Creek Estates on Dessau Road and to improve service to the northeast water system. (Funding provided from Service Extension Cost Participation Transfers through a three year payment plan from 1992 through 1995).

§39-41 on Councilmember Nofziger's motion, Mayor Cooke's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

42. Adopted a Resolution directing the Cable Commission to approve amendments to the rules and procedures for use of Austin Access resources.

Approved as amended, on Councilmember Larson's motion, Mayor Cooke's second 6-0 Vote, Councilmember Barnstone out of the room.

Cable Television (Items 43-44)

43. Requested Austin Cablevision to spend up to \$480,000 of the Equipment Fund on a contract for acquisition and installation of television production equipment for the of the Austin Access Studio facility. (An estimated budgeted amount of \$480,000 available from the Austin Cablevision Equipment Fund).

On Councilmember Larson's motion, Mayor Cooke's second, 6-0 Vote, Councilmember Barnstone out of the room.

44. Authorized expenditures of up to \$40,000 for modification of the access studio facility in order to accommodate the equipment being purchased for the Access Studio facility. (Funding available from the Cable Television Franchise Access Fund).

On Councilmember Nofziger's motion, Mayor Cooke's second, 6-0 Vote, Mayor Pro Tem Urdy absent.

4:00 P.M. - ZONING HEARINGS AND CONSIDERATION OF ORDINANCES

ZONING DISTRICTS

Appeal by the Applicant of Planning Commission Action to Deny Request

45. C14p-83-053 - PARK SPRINGS APARTMENTS, by Michael McHone, 2809 W. William Cannon Dr. (Amendment to a Special Permit).

Postponed to April 4, 1991 at 6:00 P.M.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

46. 4:30 P.M. - Appeal of the Electrical Board's decision to deny Don R. Knowles' request to take the Master Electrician's License examination.

The Council, on Councilmember Epstein's motion, Councilmember Carl-Mitchell's second, closed the public hearing, granted the appeal and directed the Electric Board to revise the language of the Ordinance.

47. 6:00 P.M. - Urban Watersheds Ordinance.

Motion

The Council, on Councilmember Larson's motion, Councilmember Nofziger's second, closed the public hearing.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Larson's second, set the following public hearings and action: (6-0 Vote, Councilmember Nofziger out of the room.)

May 23, 1991 at 6:00 P.M. Public Hearing on Economic Impact Analysis
May 30, 1991 at 6:00 P.M. Public Hearing on Urban Watersheds Ordinance
June 6, 1991 - Action on the ordinance.

ITEMS FROM COUNCIL

48. Approve a Resolution authorizing the establishment of a pilot program to convert 20 City vehicles from petroleum-based fuel to compressed natural gas fuel by the end of fiscal year 1992 (five vehicles budgeted for conversion in FY 1990-91). [Funding in the amount of \$3,000 provided from the General Services Department, \$12,000 from the Water and Wastewater Utility. The City Manager is to report back on financing options for FY 1991-92). (Councilmembers Smoot Carl-Mitchell and Michael "Max" Nofziger)

Postponed to April 4, 1991.

49. Approved a Resolution opposing H.B. 373 regarding an airport authority. (Councilman Robert Barnstone)

50. Approved a Resolution opposing H.B. 374 regarding Bergstrom Air Force Base. (Councilman Robert Barnstone).

#49-50 on Councilmember Barnstone's motion, Councilmember Epstein's second, 4-2 Vote, Mayor Pro Tem Urdy and Councilmember Carl-Mitchell voted No, Councilmember Nofziger out of the room.

51. Set a public hearing to consider an ordinance regulating phosphorous in detergents. Date and time: April 18, 1991 at 5:30 p.m. [Mayor Lee Cooke]

On Councilmember Epstein's motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

52. Approve an Ordinance prohibiting clear cutting on Sundays. (Councilman Robert Barnstone)

Refer to Planning Commission and Environmental Board for review.

On Councilmember Barnstone's motion, Councilmember Epstein's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Nofziger out of the room.

53. Adopted a Resolution supporting State Legislation (SB 587) for State Plumbing Water Saving Performance Standards. (Councilmember Michael "Max" Nofziger)

On Councilmember Epstein's motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

54. Approved an Ordinance waiving fees for the use of the Palmer Auditorium parking lot on May 18, 1991 to benefit the Texas Department of Public Safety for a display on motorcycle safety. (Councilmember Smoot Carl-Mitchell)

Pulled off agenda.

55. Approved a Resolution supporting the Convention on the Rights of the Child, as adopted by the United Nations General Assembly. (Councilmember Louise Epstein)

On Councilmember Epstein's motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

EXECUTIVE SESSION (No Public Discussion on These Items)

Mayor Cooke announced that Council would go into Executive Session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation, and for personnel matters. No final action, decision, or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

56. Pending/Contemplated Litigation - Section 2, Paragraph e

- (A) Discussion of disputes concerning the amount of royalties due the City under certain mineral leases.
- (B) Discussion of contemplated litigation regarding disposal of contaminated soil from an electric utility substation.

57. Land Acquisition - Section 2, Paragraph f

- (A) Review and discussion of real property acquisition for:

Review and discuss real estate acquisition to accommodate space needs for City departments.

58. Personnel Matters - Section 2, Paragraph e

- (A) Discussion of Annual Performance Review/1991 compensation and benefits package of the City Manager.

RECESS

Council recessed its meeting for executive session from 10:00 to 10:55 P.M.

ACTION ON THE FOLLOWING

59. Approved the execution of an agreement with the law firm of BICKERSTAFF, HEATH & SMILEY to represent the City of Austin in disputes regarding the amount of royalties due under mineral leases, in an amount not to exceed \$110,000. (Funding included in Electric Utility Department Operations and Maintenance budget.)

On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Barnstone out of the room.

60. Ratified a contract with WESTON, INC., Houston, Texas, for emergency site evaluation of a private construction landfill where contaminated soils were disposed, in an estimated amount of \$129,000. (Funding included in Electric Department C.I.P.)

On Councilmember Carl-Mitchell's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

61. Authorized and approved the City Manager's 1991 compensation/benefits package.

Motion

Councilmember Carl-Mitchell made a motion, seconded by Councilmember Nofziger that "per our discussion in executive session that the City Manager's current vacation and sick leave balances be converted to personal leave and that there be ten additional days of personal leave added to her current balances". Motion passed by a vote of 5-2 with Councilmembers Barnstone and Epstein voting No.

SPEAKERS AT END OF MEETING

People who spoke at the end of the meeting were John Johnson, Maria Rocha and John Arambula.

ADJOURN

The meeting was adjourned at 11:17 P.M.